

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ADRIAN CONEJO PEREZ

PETITIONER

v. Civil No. 05-5201

STATE OF ARKANSAS

RESPONDENT

ORDER

NOW on this 21st day of February 2006, comes on for consideration the Magistrate Judge's Report and Recommendation (document #6), filed on December 15, 2005, and the Court, being well and sufficiently advised that there has been no objection, finds that the Report and Recommendation should be, and it hereby is, **adopted in toto**.

IT IS THEREFORE ORDERED that, for the reasons set forth therein, the **Magistrate Judge's Report And Recommendation** is **adopted in toto**. Accordingly, the instant petition is dismissed without prejudice on the ground that Perez has failed to exhaust state remedies. Perez is directed to pursue state remedies by filing a Rule 37 petition and appealing any denial of the petition.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE